

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KIM SANG CHAO

VS.

C.A. NO.: 1:12-CV-00841

RHODE ISLAND HOUSING MORTGAGE
AND FINANCE CORPORATION

MOTION TO VACATE
STIPULATION OF DISMISSAL

Now comes the plaintiff in the above entitled matter and respect request this honorable court to vacate the stipulation of dismissal in the above matter.

As grounds set forth Plaintiffs counsel erroneously agreed to dismiss said action with prejudice due to a colossal over site.

Plaintiffs counsel agreement to dismiss was based on procedural grounds IE lack of diversity jurisdiction.

Plaintiffs' counsel further sets forth that the agreement to dismiss was not based on the merits of the case.

Plaintiff respectfully requests this honorable court to vacate the stipulation of dismissal and dismiss the matter without prejudice so that Plaintiff may re-file his claims in state court.

Plaintiff intends to file a similar action in the State Court.

Respectfully submitted,
By his Attorney

/s/ Todd S. Dion, Esq.

Todd S. Dion Esq.
BBO#6852
1319 Cranston Street
Cranston, RI 02920
401-270-0639 Phone
401-270-2202 Fax

DATE: 1/28/13

CERTIFICATION OF SERVICE

I, the undersigned do hereby certify that on this 28th day of January 2013, I electronically filed a true copy of the within to: dburgoyme@rcfp.com, Daniel E. Burgoyme, Esquire, Roberts Carroll, Felstein & Peirce, Attorneys At law, Ten Weybosset Street, Providence, Rhode Island 02903-2808.

/s/ Todd S. Dion, Esq.
